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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,461

12/20/2005

Jan Vink

NL 030719

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7590

08/01/2008

NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

CARDWELL, ERIC

ART UNIT

PAPER NUMBER

2189

NOTIFICATION DATE

DELIVERY MODE

08/01/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,461	<b>Applicant(s)</b> VINK, JAN	
	<b>Examiner</b> ERIC S. CARDWELL	<b>Art Unit</b> 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Applicants Remarks/Arguments filed on April 23rd, 2008 have been carefully considered.

### ***Response to Amendment***

No claims were amended.

Claims 1-9 are currently pending in the instant application

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widergren [US2004/0228169] in view of Chouinard [US6671701]. Widergren teaches a system and method of storing digital media in one format that can be converted to

another format. Chouinard teaches maintaining real-time synchronization of data in difference formats..

Regarding claims 1 and 6-9, Widergren teaches a storage device [Widergren paragraph 0010 and 0043] with an input for receiving a first data [Widergren paragraph 0013] set having a first format [Widergren paragraph 0013]. The device contains various decoders [Widergren paragraph 0014-0015 and 0024] that are used to transform the first data into a second data with a different format than the first data [Widergren claim 1]. The device contains a storage medium for storing a set of first data pieces and a subset of second data pieces [Widergren paragraph 0010 and 0043]. Widergren teaches that the data set is never fully decoded into memory, only a subset of the file. The first half is deleted from memory when the second half is being decoded [Widergren paragraph 0032]. Widergren does not teach the use of a processor to search for the requested second data sets stored on the storage medium. However, Chouinard does teach a processor that searches for the requested second data format stored on the storage medium [Chouinard column 3, lines 5-9 and claim 1, feature C]. If the request is for the second data set is found it will be sent to the reproduction system of Widergren [Widergren paragraph 0019]. If the second data is not found then the decoder of Widergren decodes [Widergren paragraph 0024] the first data into the predefined second data [Widergren claim 1] and sent to the display system [Widergren paragraph 0019]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Widergren and Chouinard for the benefit of reducing access and processing times by not having to

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transcode or decode a previously decoded data format [Chouinard column 2, lines 7-11].

Regarding claim 2, as per the combination in claim 1, Widergren teaches a priority that a data set is never fully decoded into memory, only a subset of the file. The first half is deleted from memory when the second half is being decoded [Widergren paragraph 0032].

Regarding claim 3, as per the combination in claim 1, Widergren teaches a device that can be used for video or audio [Widergren paragraph 0013]. The device can be loaded with multiple decoders [0014], these decoders can be used as decompressors, because the first set of data is compressed [Widergren paragraph 0027]. Thus the second set of data will be uncompressed and therefore larger in size than the first set.

Regarding claim 4, as per the combination in claim 1, Widergren teaches coupling the storage device to the reproduction device via a wireless channel [Widergren paragraph 0019].

Regarding claim 5, as per the combination in claim 1, Widergren teaches that the device can be used in cell phones, personal digital assistants, and digital cameras [Widergren paragraph 0012] to contain audio clips [Widergren paragraph 0013]. The Examiner determines these devices to have the ability to record audio at the time the invention was made, and as an inherent function of these devices, they all have build in speakers for audio reproduction.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

The applicant has questioned priority of the reference Widergren US US2004/0228169 and the examiner has concluded that provisional application 60/471,151 with a date of May 16, 2003 does have support for the subject matter relied upon as prior art in this office action.

Provisional 60/471,151 teaches a storage medium with a first format with decoders to produce a second format [60/471,151 specification page 2, paragraph 2]. The provisional also teaches that the data can be either video or audio [60/471,151 specification page 3, paragraph 3] and that the data set is never fully decoded into memory, only a subset of the file [60/471,151 specification page 12, paragraph 3].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC S. CARDWELL whose telephone number is (571)270-1379. The examiner can normally be reached on Mon-Fri 8am-5pm Eastern Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S. C./  
Examiner, Art Unit 2189

/Reginald G. Bragdon/  
Supervisory Patent Examiner, Art Unit 2189